



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 6858-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF ■■■■■ USN,
XXX-XX-■■■■■

Ref: (a) 10 U.S.C. §1552
(b) USD (P&R) Memo, "Updated Guidance on Correction of Military Records for Service Members Involuntary Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements," 1 April 2025
(c) ALNAV 062/21, subj: 2021-2022 Department of Navy Mandatory COVID-19 Vaccination Policy, dtg 302126Z AUG 21
(d) Executive Order 14184, Reinstating Service Members Discharged Under the Military's COVID-19 Vaccination Mandate, 27 January 2025
(e) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/attachments
(2) DD Form 214
(3) Navy Recruiting Command Retention Eligibility Memo, 26 Jun 25
(4) Community Management Support Branch (BUPERS-328) AO, 28 Jul 25
(5) Enlisted Force Plans and Policy Branch (N132C) AO, 7 Aug 25

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records, hereinafter referred to as the Board, pursuant to the guidance in reference (b). Specifically, Petitioner requested that his record be corrected to reflect that he was never separated from the Navy and that he continued to serve without interruption¹. Additionally, Petitioner requested an update to his reenlistment code and to receive his benefits.

2. The Board, consisting of ■■■■■, ■■■■■, and ■■■■■, reviewed Petitioner's allegations of error and injustice on 22 August 2025 and, pursuant to its governing policies and procedures, determined that the corrective action reflected in paragraph 5 below should be taken upon Petitioner naval record in the interests of justice. Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies.

¹ Petitioner styled his request for relief as simply reinstatement. His request is characterized as it is here because reinstatement with back pay necessarily entails correction of his naval record to reflect that the applicant was never separated from the Navy and continued to serve with interruption.

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3. Factual Background. The following are the relevant facts of Petitioner's case based upon review of his naval record and/or the matters provided with his application:

a. Petitioner enlisted in the Navy and began a period of active duty on 9 December 2009. After a period of continuous Honorable service that included two enlistment periods, Petitioner re-enlisted for a final period of active duty on 1 October 2018. See enclosure (2).

b. On 30 September 2022, Petitioner was involuntarily discharged from the Navy for misconduct due to commission of a serious offense with an Honorable characterization of service. The serious offense in question was his refusal to comply with the former COVID-19 vaccination mandate of reference (c) in violation of Article 92, Uniform Code of Military Justice. See enclosure (2).

c. By memorandum dated 26 June 2025, Navy Recruiting Command certified that Petitioner was prescreened in accordance with reference (b) and determined to meet retention standards. See enclosure (3).

d. By memorandum dated 28 July 2025, BUPERS-328 advised the Board that a review of the Petitioner's Official Military Personnel File (OMPF) reflects that he was a STG1/E6. Petitioner's Active Duty Service Date (ADSD) was 9 December 2009, and his Expiration of Active Obligated Service (EAOS) was 30 September 2022. At the time of Petitioner's EAOS he would not have been eligible for a Selective Reenlistment Bonus (SRB) due to no Zone C, STG SRB being available. See enclosure (4).

e. By memorandum dated 7 August 2025, the Office of the Chief of Naval Operations (N132) advised the Board that Petitioner would have been eligible to participate in the Navy-wide Advancement Examination (NWAE) Cycle 258 in January 2023 for an advancement opportunity to STGC/E7. If Petitioner advanced to STGC/E7 from Cycle 258, effective date of advancement would have been between September 2003 - August 2024, with last effective date of pay being 16 August 2024 and TIR of 1 September 2023. See enclosure (5).

4. Conclusion. Upon careful review and consideration of all the evidence of record, the Board found an injustice warranting relief.

a. According to reference (e), the COVID-19 vaccine mandate was an "unfair, overbroad, and completely unnecessary burden on our Service members" and the military "unjustly discharged those who refused the vaccine." Since there was no other basis for administrative separation apparent in Petitioner's naval record, the Board therefore found an injustice in that Petitioner was involuntarily separated from the Navy solely for refusing the former COVID-19 vaccination mandate.

b. Having found an injustice in that Petitioner was involuntarily separated from the Navy solely for refusing the former COVID-19 vaccination mandate, the Board also found an injustice in any and all adverse actions that followed from or contributed to that separation.

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5. Recommendations. Having found an injustice in that Petitioner was involuntarily separated from the Navy solely for refusing the former COVID-19 vaccination mandate, the Board recommends that the following corrective actions be taken on Petitioner's naval record.

a. The following recommended corrective actions are contingent upon Petitioner's acceptance of the Navy's offer of reinstatement subject to the terms of reference (b).²

(1) That Petitioner's naval record be corrected to reflect that he was not discharged from the Navy on 30 September 2022, but rather that he continued to serve honorably with no break in service at his last duty station. As such, Petitioner is to receive constructive service credit for the period from 30 September 2022 until the date that he is reinstated in the Navy. To effectuate this relief, NPC is directed to scrub Petitioner's record and remove any and all references to Petitioner's discharge, including but not necessarily limited to his DD Form 214 and the documents related to his administrative separation process.

(2) That documentation be added to Petitioner's naval record establishing that he reenlisted for four years at his EAOS of 30 September 2022.

(3) That appropriate administrative fillers be inserted into Petitioner's naval record to remove the gap in his record between 30 September 2022 and his eventual reinstatement date during which he did not receive any evaluation reports.

(4) The Petitioner is eligible for E7 and should participate in the first available promotion examination to E7 and submit for an exception to policy (ETP) to the Chief of Naval Operations (OPNAV N132C) in accordance with paragraph 104 of BUPERSINST 1430.16 series. If all requirements are met for eligibility of a missed exam and an ETP is disapproved by N132C, Petitioner may reapply to this Board for consideration of advancement to E7 retroactive to the date Petitioner would have been advanced on the "missed" examination cycle(s). Petitioner should submit a DD Form 149, command endorsement/ recommendation, and must include a copy of this letter with the request, a copy of the advancement in rate or change of rating worksheet (NETPDC 1430/3) for the cycle(s) missed, and all supporting documentation in accordance with the respective NAVADMIN for adjudication from this Board.

b. The Board further recommends that that NPC scrub Petitioner's naval record and remove any adverse information pertaining to Petitioner's refusal to comply with the former COVID-19 vaccination mandate, including but not limited to any punitive actions, "Page 13" entries subject to the contingency referenced in paragraph 5(a) above and should be implemented without delay.

c. Copies of this record of proceedings shall be provided to the DFAS and the Defense Health Agency to facilitate the estimate of all pay and benefits which may be due to the Petitioner as a result of the contingent corrective actions referenced in paragraph 5a above.

² Petitioner's failure to agree to this contingency, or to execute the terms of his reinstatement shall negate these recommendations. This contingency is applied in accordance with the guidance attached to reference (b).

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6. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above titled matter. I have assured compliance with the provisions of reference (f) in the Board's proceedings.

7. Pursuant to the authority delegated to me by the Secretary of the Navy in reference (f), I hereby approve the Board's recommendations and direct the corrective actions reflected in paragraph 5 above on his behalf.

9/4/2025

